

REMARKS

Claims 1-3 and 5-11 are pending in this application.

Applicants have amended claims 1 and 6-9. In addition, Applicants have made minor changes to the specification. These changes do not introduce any new matter.

Objection to the Drawings

In response to the objection to the drawings, Applicants have amended the claims to remove the “terminating” step to which the Examiner has objected. Accordingly, Applicants request that the objection to the drawings be withdrawn.

Claim Objections

In response to the objection to claims 8 and 11, Applicants have amended the specification to refer explicitly to “computer-readable media,” as suggested by the Examiner. For at least the reason that original claim 8 recites a “computer-readable medium,” the changes to the specification do not introduce any new matter. Accordingly, Applicants request that the objection to claims 8 and 11 be withdrawn.

Rejection Under 35 U.S.C. § 112

Applicants respectfully request reconsideration of the rejection of claims 1 and 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 1 and 6-8 to address the indefiniteness concerns of the Examiner. Applicants submit that claims 1 and 6-8 now satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-3 and 5-11 under 35 U.S.C. § 102(e) as being anticipated by *Enomoto* (US 6,801,334 B1). As will be explained in more detail below, the *Enomoto* reference does not disclose each and every feature of the subject matter defined in independent claims 1 and 6-11, as amended herein.

The *Enomoto* reference discloses an index print producing method and an image processing system, method, and device. In particular, the *Enomoto* reference describes that a cropping range is specified by the operator with a mouse, and if the specified cropping range is deviated from the cropping-permitted region, an error message for communicating the fact that the specified cropping range is unacceptable and a message for requesting specification of the cropping range to be included in the cropping-permitted region are displayed on the display (see column 58, line 55 to column 59, line 16).

Considering first independent claim 1, this claim, as amended herein, defines an image processing method in which an image processing device determines whether or not to execute a trimming process based on image production record information that was produced by the camera that shot the image data, with the camera being separate from the image processing device. In light of the disclosure in the *Enomoto* reference set forth above, the *Enomoto* reference does not disclose (or suggest) this feature of the image processing method defined in present claim 1. Thus, for at least this reason, the *Enomoto* reference does not disclose (or suggest) each and every feature of the subject matter defined in present claim 1.

Turning to independent claims 6-8, each of these claims has been amended along the same lines that claim 1 has been amended. As such, the arguments set forth above with regard to present claim 1 also apply to present claims 6-8.

With regard to independent claims 9-11, the Examiner relies on step 562 shown in Figure 17A as disclosing the processing of an image using image data and subject area position information related to the image data, and relies on Figure 18 as disclosing that the subject area position information represents a position of the subject area in the image (see the Office Action at page 7). Applicants respectfully traverse the Examiner's characterization of the *Enomoto* reference relative to the subject matter defined in claims 9-11. The processing in step 562 shown in the *Enomoto* reference "is performed on the basis of the

quantity of the image voids calculated in step 560.” Column 57, lines 28-29. This processing is not the same as the processing of an image using image data and subject area position information related to the image data, as in the claimed subject matter. Moreover, nothing in Figure 18 indicates that the *Enomoto* reference uses subject area position information that represents a position of the subject area in the image, as in the claimed subject matter. Thus, for at least the reasons, the *Enomoto* reference does not disclose each and every feature of the subject matter defined in present claims 9-11.

Accordingly, independent claims 1 and 6-11, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Enomoto*. Claims 2, 3, and 5, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(e) over *Enomoto* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-3 and 5-11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP066).

Respectfully submitted,
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